

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NAKIESHA JONES,

Plaintiff,

v.

ORDER
03-CV-920A

J.C. PENNEY'S DEPARTMENT STORES,
INC., et al.,

Defendants.

This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1), on December 19, 2003. On May 11, 2006, defendants filed a joint motion for motion for summary judgment. On January 22, 2007, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendants' joint motion for summary judgment be granted.

Plaintiff filed objections to the Report and Recommendation on March 17, 2007. Oral argument on the objections was held on April 20, 2007.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendants' joint motion for summary judgment is granted and the action is dismissed. The Clerk of Court shall take all steps necessary to close the case.¹

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: May 31, 2007

¹ Also pending in this case are various sanction and contempt issues regarding plaintiff's counsel, Richard Baumgarten, Esq. Sadly, Mr. Baumgarten recently passed away. Thus, these issues are moot.